



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT  
AND RECOMMENDATION TO THE SUPERINTENDENT OF SEATTLE CITY LIGHT**

**Application Number:** 3003557  
**Applicant Name :** Sarah Telschow for Cingular Wireless  
**Address of Proposal:** 4831 35<sup>th</sup> Av. S.W.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow an expansion of a minor communication utility consisting of nine antennas, replacing six existing antennas and adding three antennas (Cingular Wireless). Project includes five new equipment cabinets to be located on rooftop of a residential building (Mount St. Vincent).

The following approvals are required:

**Administrative Conditional Use** – Chapter 23.57.10-C2

**SEPA - Environmental Determination** – Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site and Vicinity Description**

The site is located on 35<sup>th</sup> Avenue S.W. in West Seattle and across the street to the west of the West Seattle Golf Course. The site is developed with Mount St. Vincent Nursing Home and occupies approximately two City blocks. The site is located at a high point in West Seattle with unobstructed views in all directions. The site slopes down from west to east and south to north. The subject site is zoned Lowrise Three (L-3).

Development in the vicinity consists primarily of single family residences in the large Single-family 5000 zone. There is a mixture of commercial and multi-family development along S.W. Alaska St. one block to the north and Fauntleroy Way S.W. two blocks to the east. The street

which runs along the east side of Mount St. Vincent Nursing Home, 35<sup>th</sup> Ave. S.W., is an arterial which carries a moderately high volume of north/south traffic through West Seattle.

### Proposal Description

The applicant proposes an expansion of a Minor Communications Utility facility consisting of nine antennas, replacing six existing antennas and adding three antennas (Cingular Wireless). The Project includes five new equipment cabinets to be located on the rooftop of a residential building (Mount St. Vincent).

### Comments

No written comment letter was received during the public comment period, which ended on April 5, 2006.

## **ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE**

**Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multi-Family zone as an Administrative Conditional Use subject to the requirements and conditioning considerations of this Section enumerated below.**

- a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The application complies with the noise levels of the State of Washington code for Maximum Environmental Noise Levels for WAC 173-60-020 and is consistent with the Federal Communications Commission Guidelines. The installation of the utility would not be detrimental to the nearby neighborhood because the large five story nursing home has existed atop the slope for many years, so small indiscernible antennas on the rooftop would not constitute a commercial intrusion to the residential character of the surrounding residential zone.

The proposed antennae could be visible from around the neighborhood, but due to the relatively high height of the existing building, perception of the antennas from either the ground or other structures is expected to be minimal. The overall height of the building is 47 feet eight inches measured from existing grade to the top of the parapet. The proposed height of the minor communication utility is approximately 15 feet six inches (15'6") above the rooftop, with a total height of 63 feet 2 inches above existing grade. To minimize visual impacts, the antennae will be painted to match the existing building and the existing installed antennas. Also, the facility expansion will be screened from public view and will resemble similar rooftop features that already exist in the neighborhood. The five equipment cabinets have been located on the rooftop in order to be the least intrusive while still providing necessary service.

“The proposed telecommunication facility expansion will not be injurious and/or have detrimental impacts to the existing uses, planned uses, property, improvements adjacent to; and

in the vicinity of the proposed project area. The telecommunication facility is unmanned and the facility is generally serviced only once a month. There are one to two employees on site for an average of four hours of maintenance checks. This check is typically for preventive maintenance purposes. In the event of a problem, a crew is dispatched to the site immediately. There is no traffic impacts associated with these types of installations. The project will not produce noise and/or glare. Additionally, this project will not displace any residential dwelling units.

“Cingular’s proposed telecommunication facility expansion will meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the Federal government with the authority to regulate towers and antennas. Cingular’s site will conform to all FAA/FCC regulations, and because the maximum ERP is less than two thousand (2,000) watts and/or the height of the facility is greater than ten meters (10m), an environmental evaluation of radio frequency emissions is exempted per CFR Title 47 Par 24, Subpart E. Cingular has a license from the FCC to provide wireless telecommunication services in the Puget Sound region.” The applicant has provided a NIER report for more detailed information.

In summary, the streetscape would be unaffected, and any additional traffic associated with installation and maintenance of the proposed facility is expected to be minimal. The large five story nursing home has existed atop the slope within this residential neighborhood for many years so small indiscernible antennas on the rooftop would not constitute a commercial intrusion to the residential character of the surrounding residential zone. The proposed antennae could be visible from around the neighborhood, but due to the relative height of the existing building at sixty-three feet (63’2”), perception of the antennas from either the ground or other structures is expected to be minimal. To minimize negative visual impacts, the antennae will be painted to match the exterior of the existing building. Due to the placement and relatively small size of the antennae on the roof, and the placement of equipment cabinets on the rooftop, there will not be substantial detriment to the residential character of the area.

***b. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.***

The proposed antenna and supporting members are not conspicuous due to their limited size. The proposed telecommunication facility expansion will be painted to match the existing building and the existing installed antennas. The proposed painting will mitigate any potential visual impacts. “The height of the existing building in relation to the surrounding structures causes the antennas minimal visibility from the ground and/or the surrounding buildings.” The applicant has demonstrated through photo simulation that the antennas are not clearly visible from the ground.

***c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:***

- i. the antenna is at least one hundred feet (100’) from a MIO boundary; and***
- ii. the antenna is substantially screened from the surrounding neighborhood’s view.***

The proposed site is not located within a Major Institution Overlay, therefore this provision is not applicable.

- d. *If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following: (i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and (ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The proposed minor telecommunication utility expansion proposes to exceed the Lowrise- Three (L-3) zone height limit of thirty feet (30'). Since the existing building is nonconforming due to its height of 47 feet 8 inches any structure added to the rooftop area would exceed the maximum allowable height for the Lowrise 3 zone. Documentation within the Master Use Permit file, provided by the applicant, demonstrates the requested height is the minimum necessary for the effective functioning of the minor communication utility; therefore, the proposal complies with this criterion.

- e. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

This proposed minor telecommunication utility expansion is not proposed to be a new freestanding transmission tower. Cingular's facility is located on an existing building rooftop.

### **SUMMARY**

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated February 27, 2006. Information in the checklist was supplemented by the other materials. The information in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant pursuant to SMC 25.05.794. Noise related the expansion, and other related construction noise will have an adverse affect on the surrounding residential area and proper conditioning related to allowable construction hours is warranted.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies. Other long-term impacts include: height, bulk and scale impacts to the surrounding residential areas and exposure to electromagnetic emission. These long term impacts are not considered significant.

#### Environmental Health

The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

#### Summary

In conclusion, while there may be several adverse effects on the environment resulting from the proposed development, they would be minor in scope and would be appropriately regulated by existing codes and ordinances, short term construction impacts not withstanding.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT**

Prior to the Issuance of the Master Use Permit (Non-Appealable):

1. The owner(s) and/or responsible party(s) shall provide that the antennas and support structures of the expansion are painted to blend with the color (non-glare) of the residential building (Mount St. Vincent).

Land Use Code Requirement (Non Appealable) Prior to Issuance of Master Use Permit

2. The owner(s) and/or responsible party(s) shall provide access and signage in accord with Section 23.57.010E4 which restrict access to minor communications utilities to authorize personnel. This shall be to the satisfaction of the Land Use Planner.

Prior to Building Permit Final Inspection

3. The screening shall be integrated with the style, design, color and architectural detail of the Mount St. Vincent building.

For the Life of the Permit

4. The required screening shall be maintained as long as the cellular antenna (Minor Communication Utility) is functioning on the property.

**CONDITIONS – SEPA**

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

5. The hours of construction activity shall be limited to non holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise work.

Signature: (signature on file) Date: October 19, 2006  
Joan Carson, Land Use Planner II  
Department of Planning and Development